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REPORT OF THE STUDY GROUP ON
IMMIGRATION COMPLAINT MECHANISMS

ACKNOWLEDGEMENT

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We would like to express our deepest gratitude to all of the men and women who gave so freely of their time and energy to assist us in our task: The staff and management of the Canada Employment and Immigration Commission; the Canada Employment and Immigration Union; members of the public; Members of Parliament; consular representatives; immigration lawyers; and representatives of political, community and religious organizations. We sincerely appreciate the openness and trust shown by those who shared their concerns and suggestions with us. This report would not have been possible without their contributions.

Our special thanks go to the administrative staff of the Ontario Regional Office, the Mississauga District Office and the Mississauga Adjudication Division whose special efforts provided us with the support services so necessary to our study.

Study Group on Immigration Complaint Mechanisms

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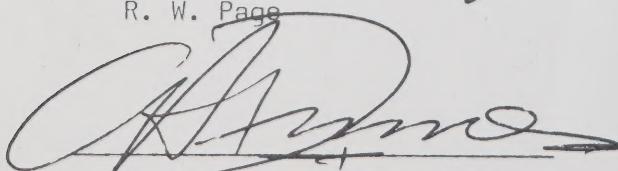
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INTRODUCTION

On June 29, 1979, in a statement to Toronto immigration staff, the Honourable Ron Atkey, Minister of Employment and Immigration, announced his intention to establish a study group on immigration complaint mechanisms. (See Appendix A). The terms of reference for the group, as issued on that date, were as follows:

1. The Study Group will be composed of Ms. J. Zukowsky, Canada Employment and Immigration Commission (Chairman); an officer of the Canada Employment and Immigration Union designated by the President of the Union; and His Worship C. Arthur Downes, Justice of the Peace, Toronto.

2. The Study Group will review existing mechanisms by which members of the travelling public or persons acting on behalf of such individuals can formally register complaints of alleged courtesy, bias or harassment. Initially, the Study Group will examine such mechanisms at Toronto International Airport. If deemed necessary by the Group and approved by the Minister, other ports of entry may also be examined. If such mechanisms are found to be inadequate or inappropriate, this Study Group will recommend new or alternative mechanisms with a view to better serving the needs of the travelling public.

3. In carrying out its work, the Study Group will have access to all officers and staff of the Canada Employment and Immigration Commission in the Ontario Region and at National Headquarters. Subject only to security regulations, the Study Group will have access to all files, records, etc., relative to the study.
4. The Study Group will be free to interview members of the public, staff, the unions representing the staff and interested organizations.
5. The Study Group will report its findings and recommendations to the Minister of Employment and Immigration by September 1, 1979.

Subsequent to the release of the Minister's June 29, 1979 statement, the President of the Canada Employment and Immigration Union designated R.W. Page, National Vice-President-at-Large, as the Union's representative on the Study Group.

On July 20, 1979, the Minister approved the Study Group's proposal that, for comparison purposes, the ports of Windsor and Fort Erie and a Toronto Canada Immigration Centre be included in the study.

In conducting its review of existing immigration complaint mechanisms, the Study Group attempted to adhere to its terms of reference as closely as possible. Quite early in the study, however, the difficulty of dealing with the mechanisms in isolation became apparent. Increasingly, the Study Group found it necessary to venture into the causes for complaints of alleged courtesy, bias or harassment and the circumstances under which such complaints arose. The findings and recommendations of the Study Group, therefore, encompass a broader subject matter field than was perhaps anticipated by the terms of reference.

METHODOLOGY

The Study Group employed various methods in its examination of immigration complaint mechanisms. These included the review and analysis of immigration complaint statistics, procedures and files; the informal interviewing of, the hearing of formal presentations by and the receipt of briefs and letters from Canada Employment and Immigration Commission staff, representatives of other government agencies and members of the public and their representatives; and the review of a variety of books, periodicals, reports, newspaper articles, etc. which related to the Group's mandate. A more detailed description of these methods follows:

Statistics Review

Statistics on immigration complaints originating at the Toronto International Airport, Dorval Airport, Vancouver International Airport and the Windsor port of entry between January 1, 1978 and June 30, 1979 were collected and examined, as were data for the Ontario Region as a whole.

Procedures Review

Existing procedures for processing immigration complaints, as described in CEIC manuals, directives and memoranda were examined. Additional information on these procedures was secured by interviewing CEIC staff responsible for processing complaints at the local, district, regional and national headquarters levels.

File Review

Mississauga District* complaint files for the period January 1, 1978 - June 30, 1979 and the corresponding case files were reviewed in detail.

Informal Interviews

The Study Group invited CEIC staff at all levels of the organization, representatives of other government agencies and members of the public to appear before us informally, to make formal presentations, and/or to submit briefs. The invitations to CEIC staff were normally extended by the Group orally at informal

*The Mississauga District comprises Toronto International Airport, the Mississauga CIC, an Enforcement CIC and an Adjudication Division.

meetings held at the work site. Some small number of government agencies and members of the public received invitations from us by telephone. Letters of invitation from the Study Group to consular representatives, community associations and immigration lawyers in the Metropolitan Toronto area numbered in the hundreds. In addition, on our recommendation, the Minister of Employment and Immigration wrote to all Metropolitan Toronto and Hamilton area Members of Parliament to solicit their comments. Finally, in some cases, private individuals and representatives of various organizations, who had become aware of the Study Group, took the initiative in requesting to be heard by us.

Some of the respondents chose to be interviewed informally, others elected to make formal oral presentations or to submit written briefs or letters (see "Formal Presentations" and "Briefs" below).

The approach taken by the Study Group in the informal interview process was to outline our terms of reference (if these were not already known by the respondents) and to invite comments on the existing immigration complaint mechanisms and recommendations for improvements to these mechanisms. The names of the respondents were recorded

for reference purposes only; respondents were assured that they would not be identified in the final report of the Study Group. No official minutes of the informal interviews were produced; handwritten notes, taken during the interviews by each of the Group members, became the sole records. Respondents were usually interviewed on an individual basis but, on a few occasions, group interviews were held to accommodate respondent preference.

Formal Presentations

Those respondents who wished to make formal presentations to the Study Group were scheduled for hearings on a "first-come, first-serve" basis. At the hearings, the respondents were invited to deliver their prepared presentations to us. The Study Group members took handwritten notes during these presentations and sought additional information and/or clarification from the respondents.

Some respondents who appeared before us to make formal presentations also submitted written briefs (see "Briefs" below).

Briefs

The Study Group received written briefs and letters from a variety of respondents. These written submission were reviewed by the Study Group members. If the submission was made as part of a formal presentation (see "Formal Presentations" above), it was discussed with the respondent(s). If the submission was received by mail, the Study Group contacted the respondent(s) in those cases in which we identified a need for additional information or clarification.

Review of Books, Periodicals, Reports, Newspaper Articles, Etc.

The Study Group reviewed a variety of printed material related to immigration complaints. This material was collected through the personal and professional resources of the Group members or referred or submitted to us by respondents.

RESPONDENTS

The respondents who appeared before the Study Group in person or who contacted us by mail or telephone can be divided into three main groups: Canada Employment and Immigration Commission (CEIC) staff; representatives of other government agencies; and members of the public and their representatives.

CEIC Staff

A sampling of CEIC employees responsible for administering immigration complaints at the local, district, regional and national headquarters levels appeared before the Study Group. These employees, who numbered some 65 - 70, ranged from administrative support staff to senior officials of the Commission.

At Toronto International Airport (Terminals 1 and 2), the ports of Windsor and Fort Erie, and the Toronto Central Canada Immigration Centre, staff members performing the following roles were interviewed:

Examining Officer

Immigration Counsellor

Shift Superintendent

Supervisor

Program Coordinator

C.I.C. Manager

At the Mississauga Enforcement C.I.C. and the Adjudication Office, staff performing the following roles were interviewed:

Court Reporter

Case Presenting Officer

Adjudicator

Supervisor

Manager

At the Mississauga District Office, the following were interviewed:

Program Specialist

District Administrator

At the Ontario Regional Office, staff performing the following roles appeared before the Study Group:

Program Specialist

Director, Facilitation, Enforcement and Control

Director General, Immigration

Executive Director

At National Headquarters, Chiefs, Directors and Directors-General of the Immigration Missions, as well as the Executive Director, Immigration and Demographic Policy and the Chairman of the Canada Employment and Immigration Commission were interviewed.

Other Government Agencies

At the federal level, the Study Group met with representatives of the Canadian Human Rights Commission.

At the provincial level, the Group met with representatives of the Ontario Human Rights Commission and the Official Guardian of Ontario (Office of the Attorney-General, Province of Ontario).

At the municipal level, the Group met with representatives of Metropolitan Toronto Family Services, Riverdale Socio-Legal Services, and Toronto Community Legal Assistance Services.

Members of the Public and their Representatives

The Study Group also received representations, in person, by telephone or by mail, from:

- members of the public;
- members of Parliament;
- consular representatives;
- immigration lawyers;
- political associations;
- community associations; and
- religious organizations.

EXISTING IMMIGRATION COMPLAINT MECHANISMS

Description of Mechanisms

The first task of the Study Group was to identify the existing mechanisms by which members of the travelling public or persons acting on their behalf can register complaints of alleged courtesy, bias or harassment. Six such mechanisms* were identified, two of which are informal and four of which are formal. The informal mechanisms consist of oral in-person complaints and telephone complaints received at the ports of entry or at inland Canada Immigration Centres. The formal mechanisms consist of contributions to the C.E.I.C. "listening post", written complaints to the C.E.I.C., complaints filed with the Canadian Human Rights Commission and complaints via the media. A description of each of these mechanisms follows:

1. Oral In-Person Complaints

When members of the public become dissatisfied with the

*These six mechanisms do not include the avenues of redress which exist under the 1976 Immigration Act, i.e. the inquiry and appeal processes. Although it was recognized that allegations of courtesy, bias and harassment are sometimes introduced at inquiry and appeal hearings, the Study Group chose to exclude these processes from our review on the grounds that their primary intent was not to function as complaint mechanisms.

immigration service which they have received, they or their representatives may complain immediately to an on-site immigration officer, supervisor and/or manager. These complaints are usually handled orally and an attempt is made to resolve them "on the spot". The details of such complaints are not usually recorded, unless a subsequent formal complaint is anticipated (See 4., "Formal Complaints to the CEIC", below).

2. Telephone Complaints

Members of the public or their representatives may choose to telephone the C.E.I.C. at any level of the organization to express their dissatisfaction with the immigration service which they have received. In such cases, the C.E.I.C. staff member who receives the complaint researches it him/herself or refers the complainant to another staff member who is in possession of the information and/or authority to resolve the complaint. Most of these complaints are processed orally, although, on occasion, the complainant receives a written response. Again, the details of such complaints are not usually recorded unless a subsequent, formal complaint is anticipated. (See 4., "Formal Complaints to the CEIC", below).

3. The "Listening Post"

The "listening post" is a mechanism for gauging client reaction to C.E.I.C. services delivered to the public. Physically, it is a plastic, wall-hung desk containing slots for questionnaire forms and writing implements. Members of the public visiting C.E.I.C. premises may comment on the service received by completing a questionnaire and depositing it in the slot provided. On a regular basis, the "listening post" is unlocked by the manager or a designated supervisor and the completed questionnaires are collected.

The processing of completed "listening post" questionnaires varies somewhat among Canada Immigration Centres (CIC's) but, generally, they are reviewed by the manager. Those which require reply and contain information on how the client can be contacted are usually responded to by the manager, by telephone or in writing. If the response is in writing, a copy of it is usually sent to the District Administrator. CIC's in at least some districts also provide regular reports to the District Administrator on the number and subject of completed questionnaires received.

4. Formal Complaints to the C.E.I.C.

Members of the public or their representatives may write to the C.E.I.C. to express their dissatisfaction with the immigration service which they have received or to request that certain actions be taken in respect of immigration cases. Although, within the C.E.I.C., the former type of letter is referred to as a "complaint" and the latter as a "representation", both types are processed in virtually the same manner. In addition, both types appear in C.E.I.C. complaint files and statistics without distinction. The Study Group, therefore, chose to treat both "complaints" and "representations" as formal complaints for the purpose of this review.

Formal complaints may be addressed to the Minister, the Chairman/Deputy Minister, senior Commission officials in national or regional headquarters, etc. At whatever organizational level of the Commission the complaint is received, the same basic procedure is followed. As the procedure is most complex in the case of a complaint addressed to the Minister, its processing has been selected for description in this report.

A formal immigration complaint received in the Minister's office is transmitted to the Immigration Secretariat which acknowledges the complaint within 24 hours. The Secretariat identifies the nature of the complaint and determines which Immigration Mission* is to be responsible for preparing the reply for the Minister's signature. If, for example, the complaint concerns alleged courtesy, bias or harassment by an immigration officer at a port of entry, it will be directed to the Director-General, Facilitation, Enforcement and Control who will, in turn, transmit the complaint and a request for a report to the appropriate Regional Director-General (or Director), Immigration.

Once received in the Region, the complaint will be directed to the Regional Director, Facilitation, Enforcement and Control who assigns a (Regional) Program Specialist to the case. The Program Specialist retrieves any existing regional files related to the complaint and transmits this information, along with the complaint and a request for a report, to the appropriate District Administrator. At the same time, a copy of the complaint and the request is also sent to the Manager of the C.I.C. concerned.

*The six Immigration Missions are: Recruitment and Selection; Facilitation, Enforcement and Control; Priorities and Program Coordination; Foreign Branch; Adjudication; and Settlement.

Once received in the District, the (District) Program Specialist, who reports to the District Administrator, contacts the C.I.C. Manager to expedite preparation of the report.

The C.I.C. Manager retrieves any existing local files related to the complaint, reviews the case, and identifies the officer(s) concerned. The officer(s) is (are) requested to prepare a factual, specific and non-defensive report of the incident which gave rise to the complaint. Once the C.I.C. Manager receives the report, she/he reviews it and forwards it along with his/her own comments to the District Administrator.

The District Administrator reviews the officer's and the Manager's reports and submits them along with his/her own comments to the Regional Director, Facilitation, Enforcement and Control.

At the Regional Office, the Director, Facilitation, Enforcement and Control and/or the Program Specialist conduct(s) a thorough review of all reports and prepare(s) a final covering report on the complaint for transmission to national headquarters through the Regional Director-General (Director), Immigration.

The office of the Director-General, Facilitation, Enforcement and Control at national headquarters prepares the reply to the complaint for the Minister's signature and forwards it to the Minister's office through the Immigration Secretariat and the offices of the Executive Director, Immigration and Demographic Policy and the Chairman/Deputy Minister. Ideally, the time lapse between the acknowledgement of the complaint by the Immigration Secretariat and the receipt of the final reply by the Secretariat will be 15 working days.

The basic procedure for processing formal immigration complaints as described above does, of course, allow variations to suit particular circumstances. The following are a few of the more common variations:

- a) When a formal complaint is addressed to a C.E.I.C. official below the level of the Minister, the procedure is shortened to the extent that neither the complaint nor the subsequent reports and reply usually pass through the organizational levels between that official and the Minister's office.

- b) In some cases, because of the specific nature of a formal complaint, a decision is taken by the addressee that the complaint be responded to at a lower level of the organization. (For

example, the Minister's office may direct that a complaint addressed to the Minister be replied to by the appropriate Regional Director-General, Immigration). In such cases, the responding official usually sends copies of the final reply to the officials at each level of the organizational hierarchy between him/herself and the addressee.

- c) In the case of formal complaints which demand urgent action, the procedure is shortened, primarily through the use of telephone and telex systems. (For example, the Minister's office may directly contact the C.I.C. concerned in order to secure the information required to respond to a complaint within a very short time-frame).
- d) When it is determined that the 15 working-day time limit for preparing a reply to a formal complaint cannot be met, an interim reply is usually issued to the complainant.

In order to expedite replies to formal complaints, the C.E.I.C. has instituted a procedure whereby any immigration officer, who suspects that a complaint may arise out of a

given interaction with a client, is required to prepare a report on the incident while the details are still fresh in his/her mind. This report is maintained on file for retrieval in the event that a complaint is filed.

5. Complaints to the Canadian Human Rights Commission

Since the introduction of the Canadian Human Rights Act on July 14, 1977, some persons have sought redress for alledged improper immigration practices through the formal complaint mechanism existing under that legislation.

It should be noted that only persons "lawfully present in Canada" may seek redress under this mechanism.

6. Complaints via the Media

Members of the public or their representatives who are dissatisfied with the immigration service which they have received may chose to air their complaints through the media. In such cases, an investigation, generating the same type of reports as the formal complaints procedure described in 4. above "Formal Complaints to the C.E.I.C." is initiated. Usually it is the District Administrator

who is tasked with conducting the investigation of the complaint and producing the final report, copies of which are forwarded to regional and national headquarters.

Regional Public Affairs is usually responsible for coordinating the communications between the C.E.I.C. and the media regarding these complaints.

Analysis of Mechanisms

In its analysis of immigration complaint mechanisms, the Study Group observed that members of the public and their representatives sometimes avail themselves of more than one of the mechanisms at their disposal, either successively or simultaneously. Secondly, we observed that most complaints are not confined to one subject; rather, they tend to refer to a variety of dissatisfaction with the service received.

By examining each of the complaint mechanisms separately, we sought to determine their relative effectiveness in meeting the needs of the travelling public. This examination of the mechanisms consisted of a review of the incidence of complaints, the nature of these complaints and their resolution.

1. Oral In-Person Complaints

As records on oral in-person complaints are not usually maintained, it was impossible to determine their incidence,

nature and resolution with any degree of accuracy. The Study Group was forced to depend upon the impressions of C.E.I.C. staff and members of the public and their representatives to obtain what can only be described as a "feeling" for the characteristics of such complaints.

Both C.E.I.C. staff and members of the public and their representatives indicated that the incidence of oral in-person complaints is substantially greater at the Toronto International Airport than at Ontario Region border parts and inland Canada Immigration Centres.

When asked to identify the most common subjects of such complaints, both C.E.I.C. staff and members of the public and their representatives agreed on the following:

- a) delays involved in secondary immigration examinations;
- b) perceived inappropriateness of questions asked in secondary immigration examinations;
- c) perception of having been unfairly singled out for secondary immigration examination;
- d) dissatisfaction with primary inspection line (PIL) services; and
- e) dissatisfaction with interpreter services.

As regards the resolution of oral in-person complaints, C.E.I.C. staff indicated that the majority of these complaints are resolved to the satisfaction of all parties on-site and within relatively short time-frames. To support this contention, staff cited the fact that only a small minority of such complaints are subsequently escalated to the formal complaint stage. On the other hand, members of the public and their representatives were less convinced that the majority of oral in-person complaints are being resolved effectively. They suggested that the non-escalation of such complaints are less an indication of client satisfaction than an indication of client frustration with the "system" and an accompanying lack of confidence that further action will produce positive results.

2. Telephone Complaints

Again, as records on telephone complaints are not usually maintained, it was impossible to determine their incidence, nature and resolution with any degreee of accuracy. As for oral in-person complaints, we were forced to depend upon the impressions of C.E.I.C. staff and members of the public and their representatives to obtain a "feeling" for the characteristics of telephone complaints.

No clear indication emerged from C.E.I.C. staff or members of the public and their representatives regarding the relative incidence of telephone complaints received at the Toronto International Airport, Ontario Region border ports and inland Canada Immigration Centres.

The most common subjects of telephone complaints, as identified by C.E.I.C. staff and members of the public and their representatives, were identical to those identified for oral in-person complaints (See 1., "Oral In-Person Complaints", above), with one exception. This exception was representations of an urgent nature. When members of the public or their representatives are seeking specific action in respect of an immigration case within a short time-frame, they appear more likely to contact the C.E.I.C. by telephone.

Members of the public and their representatives expressed greater confidence in the potential satisfactory resolution of telephone complaints than they had for oral in-person complaints, particularly in cases of urgent representations directed to senior levels in the Commission.

3. The "Listening Post"

Because the "listening post" in each Canada Immigration Centre visited by the Study Group had been installed only within the past month or two, no significant data regarding the incidence, nature or resolution of client complaints could be gathered. Also because of the recency of its installation, staff and public reaction to the "listening post" was very limited although generally positive.

The following are our observations regarding the

"listening post":

- the text of the questionnaire is in only two languages, i.e. English and French;
- the text of the questionnaire does not appear to relate specifically enough to the operations of a port of entry;
- the "listening post" might be further exploited as a public information mechanism;
- the "listening post" appears well-located at all sites visited, with the possible exception of Terminal I at the Toronto International Airport where it has been installed in the office area rather than the public waiting area;
- the "listening post" at a number of sites visited was not stocked with questionnaires and /or

writing implements; and

- the plastic construction of the listening post may constitute a fire hazard, particularly if someone should use it as an ashtray.

Our overall impression of the "listening post" is that it is a positive initiative and has good potential for increasing the C.E.I.C.'s awareness of the concerns of its clients.

4. Formal Complaints to the C.E.I.C.

The statistics collected on the numbers of immigration complaints received and the numbers of secondary examinations conducted at the Toronto International Airport, Dorval Airport, Vancouver International Airport and the Windsor port of entry during the periods January 1 to December 31, 1978 and January 1 to June 30, 1979 are illustrated in Table I.

TABLE I

IMMIGRATION COMPLAINTS AND SECONDARY EXAMINATIONS

LOCATION	Number of Immigration Complaints Received		Number of Secondary Immigration Examinations		Ratio of Complaints Received: Secondary Examinations	
	Jan. 1 - Dec. 31/78	Jan. 1 - June 30/79	Jan. 1 - Dec. 31/78	Jan. 1 - June 30/79	Jan. 1 - Dec. 31/78	Jan. 1 - June 30/79
TORONTO						
INTERNATIONAL AIRPORT	43	18	182,620	93,925	1: 4,247	1: 5,218
DORVAL AIRPORT	2	2	43,730	19,457	1:21,865	1: 9,729
VANCOUVER INTERNATIONAL AIRPORT	6	2	80,882	42,948	1:13,480	1: 21,474
WINDSOR PORT OF ENTRY	3	1	241,511	134,667	1:80,504	1:134,667

The statistics collected on the types of complaints received in the Ontario Region, by location, during the period January 1 to December 31, 1978 are illustrated in Table II .

TABLE II

IMMIGRATION COMPLAINTS BY TYPE AND LOCATION - ONTARIO REGION, 1978

LOCATION	<u>TYPE OF COMPLAINTS*</u>			TOTAL
	Racial Discrimination	Improper Staff Attitude	Administrative Practices	
DISTRICT OFFICE	-	-	1	1
INLAND C.I.C.'s	-	6	9	15
ENFORCEMENT C.I.C.'s	1	8	5	14
BORDER PORTS	1	3	8	12
TORONTO INTERNATIONAL AIRPORT	1	12	30	43
TOTALS	3	29	53	85

* The three types of complaints are defined as follows:

RACIAL DISCRIMINATION - complaints that immigration staff practice racial discrimination

IMPROPER STAFF ATTITUDES - complaints that immigration staff displayed arrogance, rudeness, harassment, intimidation

ADMINISTRATIVE PRACTICE - complaints related to the administration of the Act and Regulations
e.g. refused entry/extensions, detention, etc.

The statistics collected on the types of complaints received in the Ontario Region, by the complainant's country of permanent residence, during the period January 1 to December 31, 1978 are illustrated in Table III.

TABLE III

IMMIGRATION COMPLAINTS BY TYPE AND COUNTRY OF PERMANENT RESIDENCE - ONTARIO REGION, 1978

COUNTRY OF PERMANENT RESIDENCE	TYPE OF COMPLAINT*			TOTAL
	Racial Discrimination	Improper Staff Attitudes	Administrative Practices	
CANADA	1	8	8	17
UNITED STATES OF AMERICA	0	2	10	12
UNITED KINGDOMS & COLONIES	0	4	6	10
GUYANA	1	4	3	8
JAMAICA	0	1	6	7
INDIA	0	2	3	5
TRINIDAD	0	1	2	3
MEXICO	0	1	1	2
BERMUDA	1	0	0	1
ST. VINCENT	0	1	0	1
COSTA RICA	0	0	1	1
COLUMBIA	0	0	1	1
CHILE	0	0	1	1
ARGENTINA	0	1	0	1
VENEZUELA	0	0	1	1
GERMANY	0	1	0	1
SPAIN	0	1	0	1
POLAND	0	0	1	1
HUNGARY	0	0	1	1
ITALY	0	0	1	1
NETHERLANDS	0	0	1	1
ISRAEL	0	1	0	1
SWEDEN	0	0	1	1
ETHIOPIA	0	0	1	1
PORTUGAL	0	0	1	1
PAKISTAN	0	0	1	1
GHANA	0	1	0	1
SINGAPORE	0	0	1	1
IRAN	0	0	1	1
TOTAL	3	29	53	85

* For definitions of types of complaints, see footnote to Table II.

The Study Group drew the following observations from the above three tables:

- a) Toronto International Airport had a significantly higher incidence of formal complaints than the other two major Canadian airports studied (Table I).
- b) A very small percentage of secondary examinations resulted in formal complaints (Table I).
- c) Approximately half of the formal complaints received by the Ontario Region in 1978 originated at the Toronto International Airport (Table II).
- d) The majority of formal complaints received by the Ontario Region in 1978 related to the administration of the Immigration Act and Regulations. The second most frequent type of complaint related to alleged improper staff attitudes. A small percentage of complaints related to alleged racial discrimination (Table II).
- e) The majority of formal complaints received by the Ontario Region in 1978 were submitted by permanent residents of Canada, the United States of America and the United Kingdom and Colonies (Table III).

The Study Group's in-depth review of the Mississauga District complaint files and related case files for the period January 1, 1978 to June 30, 1979 resulted in the following observations:

- a) In over one-third of the formal complaints reviewed, the file did not contain a copy of the final reply.
- b) The 15 working-day deadline for preparing replies did not appear to have been met on a regular basis.
- c) As a general rule, the lower the level in the Commission to which the complaint was addressed, the shorter the response time.
- d) As another general rule, the response time was reduced when the complaint was referred to a lower level in the Commission for reply.
- e) In the case of urgent complaints (i.e. those which contained representations requiring immediate administrative decisions or those which had been aired through the media), the complainant usually received a response within a few days and sometimes within hours. In such cases, the formal procedure for processing complaints was largely abandoned in favour of more direct methods (telex, telephone, etc.).

f) Those complaints which were, in fact, representations met with whole or partial success in a good number of instances.

This last finding appears to conflict with an Ontario Region report on complaints received in 1978, which indicates that, of the 85 complaints received, only two were deemed to be justified, both in the area of improper staff attitudes. (In the first case, the immigration officer concerned was reprimanded for rudeness to a client; the second case was that of a temporary employee who was sloppily dressed and who subsequently left the C.E.I.C.) Closer study revealed that all 53 of the complaints regarding administrative practices were categorized in the report as unfounded because, in all cases, the immigration officer involved was judged to have administered the Immigration Act and/or Regulations properly. However, a reasonable proportion of Mississauga District complaints received in 1978 were resolved in favour of the complainant in whole or in part. Therefore, actual client satisfaction may have been greater than the report would indicate.

In our interviews of C.E.I.C. staff, the Study Group solicited impressions of the existing formal complaint mechanism and recommendations for improvements to this mechanism.

Staff members at the local level of the Commission made the following observations:

- a) The procedure for processing formal complaints is too lengthy. Often, by the time the complaint is received at the local level, the officer concerned finds it difficult to remember the details of the incident. In addition, the length of time complainants must wait for replies further dissatisfies individuals who are already displeased with the immigration service they have received.
- b) The preparation of reports on complaints by the officers concerned is time-consuming and takes them away from their regular duties. Particularly at inland C.I.C.'s, where the case files may be quite extensive, service to the public is interrupted by the requirement to provide complaint reports within short time-frames.
- c) Complaint reports prepared by the officers involved do not, in themselves, constitute a viable basis on which to resolve complaints. The lack of an independent investigation of complaints reduces the credibility of immigration officers.

- d) Officers who prepare complaint reports rarely see copies of the final replies issued. They are, therefore, unaware of whether, in the opinion of the Commission, they have acted appropriately.
- e) No avenue of redress exists for the immigration officer who has been abused, either verbally or physically, by a member of the public.

These observations were generally supported by staff at the district, regional, and national headquarters levels of the Commission.

Staff members at the local level of the Commission offered the following suggestions for improving the formal complaint mechanism:

- a) The current procedure could be shortened by increasing the use of telexes and telephone calls to communicate information within the Commission and/or by forwarding the complaint directly to the location concerned. Copies of the complaint could still be distributed to all of the required levels in the Commission for information and coordination purposes.

- b) Any new complaint mechanism developed should have the characteristics of independence and objectivity.
- c) Any new complaint mechanism developed should have an investigative capability.
- d) An ombudsman, client representative or complaints officer role could be developed. These third-party arbitrators would be located at all major ports of entry, but would report to the district or regional level of the Commission. They would be responsible for investigating and resolving complaints received at the port or received at another level of the Commission in respect of the port and would be available to inform members of the travelling public of their rights and obligations under the Immigration Act. The individuals selected to perform this role should have a thorough knowledge of the Immigration Act, Regulations, policies and procedures. To preclude the possibility of the incumbents' loss of objectivity over time, the role should be staffed on a rotational basis. The public should be advised of the existence of such officers and informed as to how they could be contacted.

Senior officials of the Commission generally supported the suggestions of local staff. They agreed that complaints should be investigated by someone detached from the operational decision-making process. They did express concern, however, about the specific powers which might be assigned to such a role. The majority opinion was that, because current immigration legislation provides sufficient avenues of redress to ensure the equitable resolution of questions regarding the administration of the Act and Regulations, the officers should not be empowered to overrule decisions taken under the legislation. If these officers were so empowered, the complaint mechanism might become an inducement to members of the public to delay the immigration process. It was felt, therefore, that the powers should be limited to resolving complaints alleging improper staff attitudes such as courtesy, bias and harassment. One senior official also proposed that the complaint mechanism also be made available to staff members who have allegedly been abused by members of the public or their representatives.

Other government agencies and members of the public and their representatives provided the Study Group with their impressions of the existing formal complaint mechanism and their recommendations for improvements to this mechanism in informal interviews, formal presentations, briefs and letters. In almost all cases, respondents prefaced their observations and

recommendations with the statement that they were not aware of the existence of a formal complaint mechanism. Once we described the mechanism to them, the majority confirmed some knowledge of it, but expressed doubt as to whether it could or should truly be considered formal.

Other observations of these respondents mirrored those expressed by C.E.I.C. staff, i.e. the mechanism does not respond to the needs of the travelling public in terms of speed or objectivity. The mechanism's credibility as an effective avenue of redress was estimated to be low.

As regards recommendations for improvement, representatives of the Canadian Human Rights Commission advised that, to be effective, any formal avenue of redress ought to:

- a) be independent;
- b) be accessible;
- c) have powers of investigation;
- d) have the power to enforce decisions; and
- e) have the power to impose penalties and award compensation.

These criteria, in one form or another, were identified by other respondents, including provincial and municipal government representatives, immigration lawyers, community associations and

religious organizations, as essential to an effective formal complaint mechanism. Also identified was the need for widespread publicity.

Among members of the public and their representatives there was a broad base of support for the establishment of an ombudsman, client representative or complaints officer role, although individual proposals presented to the Study Group varied somewhat in their details. Some respondents recommended that these officers should be completely independent of the C.E.I.C., while others proposed they be C.E.I.C. employees reporting to the district or regional level. Some respondents recommended that these officers have the power to reverse decisions taken under the Immigration Act and Regulations, while others felt that their role as independent observer would be sufficient. Some respondents proposed that these officers have the power to impose disciplinary action on C.E.I.C. employees, while others felt that management should retain this power. Virtually all respondents agreed that the officers should be located at major ports of entry, be responsible for investigating complaints in an objective manner and preparing formal reports on them, be available to provide information to members of the public and their representatives, and be assigned on a rotational basis.

5. Complaints to the Canadian Human Rights Commission

From March, 1978 to April, 1979, the Canadian Human Rights Commission received approximately 120 complaints alleging improper immigration practices. Because these complaints constitute privileged information, the Commission could not provide the Study Group with specific information on their nature. In addition, as of this writing, none of these complaints has been investigated by the Commission because of a current jurisdictional dispute between it and the C.E.I.C. Therefore, no information on the resolution of these complaints was available for our analysis.

Notwithstanding the foregoing, the avenue of redress provided by the Canadian Human Rights Act would appear to be an appropriate mechanism for resolving some immigration complaints, i.e. those filed by persons who are "lawfully present in Canada" and who allege that they are the victims of discrimination. This avenue of redress would not be available, however, for resolving the majority of immigration complaints which do not meet these two criteria. Furthermore, because complaints filed under the Canadian Human Rights Act are subject to screening, not all complaints filed result in an investigation. It is reasonable to assume that at least a certain portion of immigration complaints which have

been screened out by the Canadian Human Rights Commission will find their way to the C.E.I.C. for resolution.

Finally, the Study Group heard the opinion expressed by immigration lawyers and community associations that, because of the length of the Canadian Human Rights Commission's investigative process and because of its limited staff, complaints filed under the Canadian Human Rights Act are unlikely to be resolved quickly.

6. Complaints via the Media

Records on complaints via the media are not maintained as a separate category. Thus their nature, incidence and resolution could not be determined with any degree of accuracy. Once again, we were forced to depend upon the impressions of C.E.I.C. staff and members of the public and their representatives to obtain a "feeling" for the characteristics of such complaints.

Both C.E.I.C. staff and members of the public and their representatives agreed that media coverage of a complaint guarantees its processing on a top priority basis. Opinions varied from individual to individual as to whether or not media coverage increases the likelihood of a complaint's success. Individuals from both groups questioned why the C.E.I.C. does not usually defend itself and its staff against unjustified media attacks by issuing official rebuttals.

RECOMMENDATIONS ON IMMIGRATION COMPLAINT MECHANISMS

In determining our approach to the formulation of recommendations on mechanisms by which members of the travelling public or their representatives can register complaints of alleged courtesy, bias or harassment, the Study Group considered a number of factors. First, we recognized that, even at the Toronto International Airport, the number of formal complaints is not large when compared to the number of secondary immigration examinations conducted. Secondly, relatively few respondents from outside the Commission expressed serious concern about the existing mechanisms per se or presented proposals as to how they might be altered. These two factors suggest that the existing mechanisms are not the subject of great public dissatisfaction.

On the other hand, we recognized that a number of complaints received are not recorded because they are not submitted through the C.E.I.C.'s formal complaints mechanism. Furthermore, we were informed by respondents that many dissatisfied members of the public do not complain because they are unaware of the existence of a formal complaint mechanism, they have no confidence in the effectiveness of the mechanism, or they fear that complaints will result in administrative reprisals.

Finally, we considered it likely that, whatever new mechanisms were implemented, members of the public will, at least to some extent, continue to employ the existing mechanisms.

With these factors in mind, we determined that the best approach to the formulation of recommendations would be to recommend revisions to the existing immigration complaint mechanisms where possible and to recommend new mechanisms where they were felt to be essential. In addition, a few recommendations on the analysis of complaints are included.

REVISIONS TO THE EXISTING MECHANISMS

The Study Group proposes revisions to the "listening post" and the formal complaint mechanisms.

1. The "Listening Post"

As mentioned earlier in this report, the Study Group identified the "listening post" as a positive initiative with good potential for increasing the C.E.I.C.'s awareness of the concerns of its clients. It is our opinion that this potential could be actualized through the implementation of a few modifications. It is recommended, therefore, that:

- the "listening post" questionnaire be made available in a number of languages (R 1);
- questionnaires directly related to the operations of the Canada Immigration Centre (i.e. airports, border port, inland C.I.C.) at which they are provided be developed (R 2);
- the location of the "listening post" in C.I.C.'s be reviewed to ensure that it is clearly visible to the public (R 3);
- An individual in each C.I.C. be tasked with ensuring that the "listening post" is always well stocked with questionnaires and writing implements (R 4);
- consideration be given to changing the future construction of the "listening post" from plastic to metal to reduce the risk of fire hazard (R 5); and
- public information pamphlets (on client rights and obligations, the secondary immigration examination process etc.), in a number of languages, be made available at or in close proximity to the "listening post" (R 6).

2. Formal Complaints to the C.E.I.C.

The Study Group was somewhat concerned about the length of time some members of the public were forced to wait for final replies to their formal complaints. It was recognized that, in some cases, delays inherent in the immigration process itself resulted in poor response time. In other cases, however, the formal complaints procedure appeared to be at fault. In the interests of streamlining this procedure, it is recommended that:

- at whatever level of the C.E.I.C. a formal complaint is received, the C.I.C. concerned be advised by telephone or telex within 24 hours and a copy of the complaint be mailed to that C.I.C. also within that 24-hour period (R 7);
- the addressee of a formal complaint (or his/her office) be responsible for ensuring that the actions described in R 7 above are taken (R 8);
- the existing procedure for processing formal complaints, whereby related files are retrieved and the complaint transmitted down the organization, be maintained for information, coordination, and control purposes (R 9);

- the replies to formal Commission complaints be issued from the lowest practical level of the Commission, independent of the level at which they are received (R 10);
- copies of replies to formal complaints be sent to the C.I.C. concerned so that all staff involved in the complaints are aware of their resolution;
- guidelines, governing the levels of the Commission from which replies to specific types of formal complaints will be issued, be developed and implemented (R 11); and
- the existence of the formal complaint mechanism be publicized through information pamphlets and other appropriate means (R 12).

NEW MECHANISMS

In response to both staff and public representations for the establishment of an ombudsman/client representative/complaints officer role at major ports of entry, the Study Group recommends that :

- an on-site officer concept be introduced, on a one-year pilot basis, in all three immigration modules at the Toronto International Airport (T.I.A.) (R 13);
- these officers be C.E.I.C. employees (R 14);
- these officers be exposed to all three modules and all shifts in T.I.A. during the one-year pilot period (R 15);
- these officers report directly to the Regional Director-General, Immigration (R 16);
- the responsibilities of these officers include:
 - a) the investigation of all complaints received from the public in or in respect of their assigned modules (this investigation to include the interviewing of the officers, supervisors and managers concerned and, where possible, the complainants, their representatives, and any other witnesses to the incidents evoking the complaints);

- b) the investigation of all C.E.I.C. staff complaints received in the modules relating to alleged abuse by members of the public;
- c) the resolution, where possible, of oral in-person complaints;
- d) the resolution, where possible, of telephone complaints;
- e) the collection of completed questionnaires from the "listening post" and the preparation of related replies, where appropriate and possible;
- f) the performance of the liaison function related to complaints to the Canadian Human Rights Commission and complaints to the media;
- g) the preparation of written reports and recommendations on all complaints received in or in respect of their assigned modules and the direct submission of such reports and recommendations to the Regional Director-General, Immigration;

- h) the maintenance of records and statistics on all complaints received in or in respect of their assigned modules;
- i) the provision of information and advice on immigration legislation policies and practices to members of the public and their representatives; and
- j) the control of information to reception regarding passengers referred to secondary immigration (R 17);

- the names of these officers, along with a short description of their role, be prominently posted in a number of languages (R 18);
- the officers wear identification badges (R 19);
- these officers not have the authority to make or reverse decisions under the Immigration Act and Regulations (R 20);
- following the termination of the one-year pilot project, a thorough review of the effectiveness of the concept be conducted (R 21);
- if the concept proves successful, it be implemented on a permanent basis at those ports of entry at which it is warranted (R 22); and

- if the concept is implemented permanently, the role be staffed on a six-month assignment basis (R 23).

ANALYSIS OF COMPLAINTS

In the opinion of the Study Group, complaints from members of the public can be a useful indicator to the C.E.I.C. in assessing the quality of its services and in determining how these services can be improved. In order that the Commission may receive full benefit from the information which such complaints provide, a more sophisticated system for recording and analyzing complaints data should be considered. We recommend, therefore, that:

- all immigration complaints, whether in-person, by telephone or written, be recorded (R 24);
- a standardized system for recording these complaints be developed and implemented on a national basis (R 25);
- this national system include, as a minimum, data on:
 - a) the dates on which complaints are received and responses (including interim replies) are issued;
 - b) the mechanisms by which the complaints are registered (e.g. telephone, letter, etc.) and the responses (including interim replies) are issued (e.g. telephone, letter, etc.);

- c) the levels of the Commission at which the complaints are received and from which the responses are issued;
- d) complete complainant information including status (e.g. tourist, visitor, student, etc.), citizenship, country of last permanent residence, reception, final destination, etc. ;
- e) the specific subject(s) of the complaints (e.g. non-admission, harassment, bias, delays, etc.); and
- f) the specific resolution of the complaints (e.g. extension of stay granted, Minister's permit granted, deportation, etc.) (R 26).

- the data on immigration complaints be reviewed and analyzed on a semi-annual basis (R 27); and
- corrective action be taken in relation to problem areas identified through this review and analysis (R 28).

CAUSES OF DISSATISFACTION WITH IMMIGRATION SERVICES AND RELATED SUGGESTIONS

As previously mentioned in the "Introduction", the Study Group experienced some difficulty in adhering strictly to its terms of reference. The main sources of this difficulty are now explained.

The majority of respondents who came before the Study Group or submitted briefs or letters to us expressed disappointment with our limited terms of reference and took the opportunity to present concerns on issues not encompassed by the mandate. In general, respondents felt that the development of new or improved complaint mechanisms, however effective, would constitute treatment of only the symptoms rather than the disease. They maintained that the needs of the public could not truly be served unless an in-depth review of the causes of dissatisfaction with immigration services were conducted and the appropriate corrective measures were implemented.

In addition, in the course of our review of existing immigration complaint mechanisms, we could not avoid observing a variety of factors external to the mechanisms which appear to be reducing the effectiveness of immigration services and to be resulting in both client and staff dissatisfaction.

The Study Group determined that it would be in the best interests of the public, the Commission and Commission staff to avail ourselves of the opportunity to hear concerns on immigration issues outside our mandate, to record our own observations on such issues and to incorporate these issues and observations into our report.

We hasten to caution the reader of this report that the potential and/or actual causes of dissatisfaction with immigration services which have been identified below have not been examined by the Study Group in depth. Therefore, the suggestions which we have provided in relation to these potential/actual causes should not be viewed as formal recommendations. Rather, they should be considered as preliminary ideas subject to further investigation and analysis by the Commission.

For ease of reference, these potential/actual causes and related suggestions have been grouped under the following four headings: operational policies, procedures and practices; personnel policies, procedures and practices; accomodations; and public relations.

Operational Policies, Procedures and Practices

1. The Immigration Act and Regulations

Members of the public and their representatives raised the following concerns related to the Act and Regulations and their interpretation and administration:

- a) the Act and Regulations are discriminatory, not in intent, but in effect; they should, therefore, be reviewed for latent discrimination;
- b) the policies are too complex to be administered effectively;
- c) the discretion of immigration officers with respect to questioning and seizure of documents (e.g. Section 12(4) and 111(2)(a) of the Act) are too broadly interpreted in practice;
- d) occupational demand figures should be available to the public as they are in the United States;
- e) a previously denied application for landed immigrant status should not effectively constitute a bar to future entry as a visitor;
- f) sponsors who abandon their responsibility should be prosecuted;

- g) adopted children over the age of 13 should not be treated differently from those under the age of 13;
- h) priority should be given to processing applications in respect of sponsored spouses; and
- i) Section 41 of the Act, regarding the obligation to provide written reasons for the refusal of sponsorship applications should be universally applied.

C.E.I.C. staff at the local level expressed concern that interpretations of the Act, Regulations and related policies are sometimes conflicting, sometimes unavailable, and always changing. They added that they must sometimes wait months for responses to their requests for such interpretations and to their suggested revisions to them, and that sometimes no responses are received at all.

The Study Group suggests that the above-mentioned concerns be considered by the Commission in any future review of the Immigration Act, Regulations and related policies (S 1).

2. The Primary Inspection Line (PIL)

The Study Group heard from members of the public and their

representatives and from C.E.I.C. staff that the source of some immigration complaints is the PIL operation. The majority of respondents agreed that most members of the public make no distinction between Customs and Immigration and assume that the PIL is manned by immigration officers. Consequently, complaints regarding the PIL are often registered with the C.E.I.C.

Respondents informed us that improper referrals to secondary immigration (both too many and too few) are currently being made at T.I.A. because of the use of Customs profiles, the sporadic use of the microfiche system and the lack of language capability on the PIL. It was suggested, time and time again, that the primary immigration inspection should be performed by experienced immigration officers who would be much more likely to make proper referrals to secondary immigration.

The Study Group suggests that the Commission, in cooperation with Customs, consider the feasibility of a "by-pass" system similar to that used in the United Kingdom and the United States. Under such a system, passengers would be split into two streams: visitor/immigrant and Canadian citizen/returning resident. Immigration officers would perform the primary

immigration inspection for the former and customs officers would perform it for the latter (S 2).

3. Flight Scheduling

In a brief to the Study Group, one immigration lawyer made the following comments about flight scheduling at T.I.A.:

"I have personally attended at the airport when two or three flights arrive at the same time, and the Customs and Immigration staff is required to process many hundreds of immigrants within a short period of time. I am also advised that airline scheduling is such that, apparently, five large airplanes arrive, all from the Caribbean area, within twenty minutes of one another. The immigration staff is required to handle 1,000 people in about one hour, which naturally must lead to chaos. This necessarily creates unnecessary pressure upon the staff. If the public demands courtesy and proper treatment of immigrants and visitors coming to this country, either the staff must be sufficiently beefed up to handle this large number of incoming people or, in the alternative, appropriate scheduling of airlines should be so designed that immigration procedures can be done

courteously and efficiently and not cause excessive pressure upon the staff."

We are aware that on June 15, 1979, a date chosen at random, flight # 967 with 95 passengers, flight # 993 with 151 passengers and flight # 71 with 168 passengers landed at the international module of Terminal 2 at T.I.A. between 20:40 and 21:20 hours. Of the total 414 passengers, 220 were referred to a secondary immigration staff of approximately 10. This is only one example of flight scheduling at T.I.A. which seriously overtaxes both Customs and Immigration resources, causing crowding and delays at the PIL, in secondary immigration and in the reception area.

We have observed that this kind of flight scheduling creates a potentially explosive atmosphere between members of the public and the staff and is a significant contributing factor to immigration complaints.

The Study Group suggests that a review of the flight scheduling at T.I.A. be conducted to determine whether arrival times and/or passenger unloading sites can be altered to reduce congestion (S 3).

4. Pre-Clearance

A number of respondents recommended the introduction of immigration pre-clearance as another means of reducing congestion at T.I.A.

The Study Group suggests that the Commission review the feasibility of immigration pre-clearance for selected flights (S 4).

5. The Secondary Examination Process

Some members of the public and their representatives took issue with the order in which persons are processed through secondary immigration at T.I.A. This processing order is such that those persons most likely to be the subjects of lengthy examinations, and possibly reports under Section 20 of the Immigration Act, are left to the last, so that the others may be processed quickly and released. One of the unfortunate effects of this processing order is that the Section 20 reports tend to be produced all at once, causing bottlenecks in the file creation and review processes.

The Study Group suggests that the Commission review the processing order for secondary immigration examinations (S 5).

Members of the public and their representatives also raised the following concerns regarding the questions asked by immigration officers in the secondary examination process at T.I.A.:

- a) some are too personnel;
- b) some may constitute entrapment;
- c) some are insensitive to cultural and other differences; and
- d) some require a knowledge of Canada which it is unreasonable to expect visitors to have.

These respondents also criticized the blanket application of immigration profiles as a common cause of alleged improper questioning. Some recommend that the presence of duty counsel at international airports would reduce, if not eliminate, such questioning.

The complexity of these concerns demands their in-depth examination before any viable conclusions can be reached. As the Study Group did not conduct such an examination, we are not in a position to assess the validity of the concerns or to offer substantive related suggestions.

The only suggestion of the Study Group, therefore, is that the Commission consider initiating an in-depth review of the above-mentioned concerns regarding the secondary immigration process (S 6).

6. Visa Offices

Some members of the public and their representatives observed that the distribution of Canadian visa offices throughout the world and the numbers of staff allocated to these offices do not relate realistically to the distribution of the world population. The Canadian presence in the United Kingdoms vs. that presence in India was offered as an example.

The Study Group suggests that the Commission review the distribution of Canadian visa offices and their staff resources (S 7).

7. Visa Requirements

The majority of respondents supported the extension of Canadian visa requirements to additional countries to avoid the potential "heartache, embarrassment and economic loss" of prospective visitors to Canada, to expedite traffic flow through ports of entry, and to reduce the length of the secondary immigration examination and the client fear sometimes associated with it. The most vocal proponents of the extension of Canadian visa requirements were those respondents who deal on a daily basis with the problems of visitors to Canada who come

from countries for which no such requirements currently exist.

The Study Group suggests that the Commission consider the extension of Canadian visa requirements to additional countries (S 8).

8. Port Stamps

Many respondents raised concerns regarding the confusion of visitors to Canada about their permitted length of stay. They criticized the absence of this information in visitors' passports.

The Study Group suggests that port stamps might be changed to include the length of stay granted a visitor, i.e. the PIL stamp could clearly state "valid for stay of up to three months" and secondary stamps could be alterable to reflect lesser or greater lengths of stay (S 9).

9. Landed Immigrant Identification Card

A number of respondents proposed the introduction of a plasticized, wallet-sized card, similar to the United States alien card, to identify Canadian landed immigrants. Such a card would replace the current form 1000 copy which quickly becomes dog-eared and illegible. It would be

useful in expediting the flow of returning residents at Canadian ports of entry.

The Study Group suggests that the Commission introduce a landed immigrant identification card in a plasticized, wallet-sized format, this card to be issued on landing and recognized by Canada Immigration as evidence of legal status in Canada and, if possible, by the U.S. Immigration Service for border-crossing purposes (S 10).

10. Bonds

Almost 10% of immigration complaints received in the Mississauga District between January 1, 1978 and June 30, 1979 related to the cash bond procedures of the Commission. In most of these cases, the delays involved in the refund process was the cause for complaint. In addition, a number of respondents who appeared before us criticized the refund process.

The Study Group suggests that the Commission examine the cash bond refund process with a view to eliminating unnecessary delays (S 11).

11. Detention

Respondents raised the following concerns regarding detention:

- a) detainees are sometimes not permitted to make telephone calls from the detention hotels;
- b) detention hotels lack facilities such as private interview rooms for doctors and counsel, recreation areas for adults and children and telephones; and
- c) no arrangements are made for allowing detainees to "get some fresh air".

The Study Group suggests that the Commission explore ways of alleviating the above-mentioned concerns regarding detention (S 12).

12. Inquiries

Respondents raised the following concerns related to the inquiry process:

- a) the attendance of reception at inquiries is complicated by the fact that most inquiries are held during normal business hours; and

b) when persons are released from the Mississauga Enforcement C.I.C. following detention, no arrangements are made to return them and their luggage to T.I.A. where public transportation is available.

The Study Group suggests that the Commission consider the possibilities of:

- a) scheduling some inquiries during the evening hours (S 13); and
- b) arranging for the transportation of released detainees and their luggage to the original port of entry where public transportation is available (S 14).

13. Investigations

The Study Group has observed that the Enforcement Branch is required to perform its duties in an understated way which we have identified as highly hazardous. No joy comes to the Branch or the fugitive from these duties which may add to the disregard and mistrust the immigrant communities sometimes exhibit towards authority figures. We are all responsible and should do our part to assist, either directly or by counselling, persons not in good standing .

The Study Group suggests that the Commission do everything in its power to assist such persons (S 15).

14. Administrative Delays

Many respondents expressed frustration with the delays encountered in securing medical, security and refugee clearances and in the processing of sponsorship applications, visitors applications, etc. They also reported that clients with scheduled appointments for interviews at inland C.I.C.'s in the Toronto area must, at times, wait hours to be seen by an immigration counsellor or are asked to return at a future date without having been interviewed.

The Study Group suggests that the Commission look into ways of reducing administrative delays of the types mentioned above (S 16).

Personnel Policies, Procedures and Practices

1. Selection of Staff

The majority of respondents identified a need for an effective, standardized selection process for immigration officers. Specific proposals included:

- a) the use of psychological testing as a screening mechanism;

- b) the hiring of "more mature" officers; and
- c) the selection of staff whose racial and ethnic backgrounds reflect the demographics of the community.

The Study Group suggests that the Commission:

- a) explore the use of psychological testing in the selection process (S 17); and
- b) consider, in its development of a human resources plan for immigration officers, the objective of a workforce characterized by variety i.e. of age, education, experience, culture, etc. (S 18).

2. Staff Training

From the outset, the training of immigration officers emerged as a major concern of C.E.I.C. staff and was mentioned in the majority of briefs and oral presentations from the public. Not only was formal technical training considered to be inadequate, but attitudinal training in such areas as human relations, history, cultural and ethnic orientation, and modern politics was deemed to be non-existent.

Although a formal national training package for immigration officers has been developed, its orientation is primarily technical and its implementation varies from C.I.C. to C.I.C. Most immigration officers appear to receive approximately one week of formal classroom training at the C.I.C. level before assuming their duties. Subsequent technical training tends to be conducted "on the job". The size of the 1979/80 immigration training budget for the entire Ontario Region -\$70,000.- suggests that such training is not a high priority and probably explains its apparent inadequacy.

This approach to training does not compare favorably with the basic training provided by the U.S. Immigration Service at Glencoe, Virginia (six weeks), the U.K. Immigration Department or Canada Customs.

Respondents also identified a mutual lack of understanding between customs and immigration officers on the front lines and a failure to appreciate one another's functions. Cross-training between the two departments was recommended as a possible solution to this problem.

Finally, respondents felt that additional training of visa officers on visitors' requirements and the exposure of these officers to Canadian ports of entry would improve the quality of information dispensed at visa offices abroad.

The Study Group suggests that the Commission develop a comprehensive training plan for immigration officers which would include:

- a) a universal basic training program of sufficient duration and substance to ensure that new recruits are technically and attitudinally equipped to assume their duties before they receive their first assignments (i.e. a staff college concept);
- b) attitudinal training in such areas as human relations, cultural and ethnic orientation, modern politics, etc., for all experienced officers;
- c) developmental assignments designed to expose officers to the operations of other parts and other branches of Canada Immigration ; and
- d) a systematic program of "follow-up" training to ensure that officers maintain and develop their technical and attitudinal skills (S 19).

We also suggest that the Commission consult with Canada Customs regarding the development of a joint training program designed to familiarize customs and immigration officers with one another's functions and objectives (S 20).

Finally, we suggest that, to whatever extent practical, visa officers be included in the training plan for immigration officers discussed in S 19 above (S 21).

3. Staff Utilization

With few exceptions, C.I.C. staff indicated that immigration officer strength, in terms of person-years, is generally adequate. However, more often than not, officers are left short-handed because of vacant positions, employee leave, and staff assignments to other locations.

The situation appears to be especially prevalent at T.I.A. Added to the other pressures of heavy passenger traffic, poor flight scheduling and non-enforcement of the airport curfew, modules operating below full staff capacity impact critically on both staff and members of the public.

Employees, particularly on the 4:00 p.m. to midnight shift in Terminal 2's international module, are often required to work overtime. It is not unheard of for a case presenting officer, who has worked the 8:00 a.m. to 4:00 p.m. shift at the Mississauga Enforcement C.I.C., to be required to report directly to Terminal 2 to work the 4:00 p.m. to midnight shift as a senior immigration officer.

Little imagination is required to appreciate the implications which short-handed shifts, overtime and double shifts have for the delivery of service to the public. An additional exacerbating factor is the allocation of only one senior immigration officer and one clerk to each module per shift. As mentioned earlier in this report, bottlenecks in the Section 20 review and file creation processes cause further delays to members of the public.

The Study Group suggests that the Commission review its staff allocation at T.I.A. (and possibly other C.I.C.'s) to ensure that sufficient back-up staff is available and that such staff is utilized to maintain full operational strength at all times, and that sufficient supervisors, senior immigration officers and clerks are available at peak traffic times (S 22).

The Commission might explore the possibilities of:

- a) developing a plan whereby T.I.A. staff can be shunted between modules at peak traffic times (S 23);
- b) establishing a mobile or "floating" team at T.I.A. which can move among the modules as operational requirements demand (S 24); and
- c) utilizing part-time staff at peak traffic times (S 25).

4. Interpreters

Respondents raised the following concerns regarding interpreters:

- a) delays and, at times, over-night detentions result from the unavailability of interpreters at T.I.A. and at inquiries; and
- b) the quality of interpretation is sometimes poor (a serious problem in secondary examinations and at inquiries, but critical at refugee hearings where the final decision may be based entirely on a written transcript of the proceedings).

The Study Group suggests that the Commission review its interpreter capability to ensure that it responds to current needs (S 26).

We also suggest that conference telephones installed in the T.I.A. modules might be used to provide interpretation services at times when interpreters are not on site and cannot travel to the airport within a reasonable period of time (S 27).

Finally, we suggest that the Commission consider:

- a) introducing language proficiency tests into the selection process for interpreters (S 28); and
- b) reviewing the interpreters' terms and conditions of employment, especially those related to job security and compensation, to determine whether they are negatively influencing the quality of interpreters being recruited (S 29).

5. Uniforms

Staff at ports of entry complained about delays in the distribution of uniforms. They claimed that the lack of a uniform, or a complete uniform, detracts from the professional image of the immigration officer.

On the other hand, some members of the public commented that persons arriving in Canada should not be greeted by uniformed officers, as uniforms tend to invoke fear in

those individuals who associate them with police and other authority figures.

The Study Group suggests that, if it is the Commission's decision that its port of entry officers be uniformed, steps should be taken to ensure that all of these officers receive complete uniforms within reasonable time-frames (S 30).

6. Recognition

C.I.C. staff remarked that their good work and special efforts "above and beyond the call of duty" are rarely acknowledged by the Commission.

The Study Group suggests that, in the interests of good morale, the Commission explore means of acknowledging the positive efforts of its immigration officers, particularly in view of their vulnerability to public criticism (S 31).

Accomodations

1. Space Allocation

C.E.I.C. staff and members of the public and their representatives raised a number of concerns about the allocation

of space at some Commission premises. These concerns were reinforced by the Study Group's own observations:

- a) the location of T.I.A.'s Terminal 1 detention area within the office distracts office staff and permits the occasional escape of detainees through a fire door which cannot be locked because of fire regulations;
- b) the international module in T.I.A.'s Terminal 2 is not large enough to provide sufficient seating for passengers arriving at peak traffic times or to accomodate additional staff in the module at these times;
- c) in a number of C.I.C.'s, the use of baffles, especially in combination with insufficient space, results in an unacceptable lack of privacy for client interviews;
- d) at T.I.A. and in other C.I.C.'s, no private interview rooms are provided for clients who wish to consult with their counsel, representatives, etc.; and
- e) the planned co-location of the Mississauga Adjudication Division and the Mississauga Enforcement C.I.C. could be damaging to the credibility of adjudicators.

The Study Group suggests that the Commission review the accommodations at T.I.A. and inland C.I.C.'s in the Toronto area to ensure that the acquisition and allocation of space keeps pace with the changing needs of the public and the C.E.I.C. (S 32).

2. Physical Facilities

Respondents also raised concerns about the lack of certain physical facilities at some Commission premises. These concerns were reinforced by the Study Group's own observations:

- a) the quality of the public address system at T.I.A. and the absence of a public address system within the module results in the poor transmission of information between clients in secondary immigration and their reception;
- b) the lack of adequate information retrieval systems at ports of entry results in lengthy delays to members of the public; and
- c) the lack of "creature comforts" in T.I.A. modules (food, drink*, money exchange facilities, diapers, toys for children, etc.), where passengers

*In the international module at Terminal 2, insufficient water pressure often makes a simple drink of water unavailable.

are often required to wait for hours after long and tiring journeys, results in a dismal reception for persons arriving in Canada and projects a poor image of the country.

The Study Group suggests that the Commission:

- a) take measures to improve the quality of communications between secondary immigration and reception at T.I.A. (S 33);
- b) explore means of improving the efficiency and effectiveness of information retrieval systems at ports of entry (S 34); and
- c) explore ways of providing increased facilities to persons referred for secondary immigration examination at T.I.A. (S 35).

(Note: The facilities provided to recent refugee flights arriving at T.I.A. (food, drink, diapers, toys, etc.) were in marked contrast to the dearth of amenities available to persons arriving on regular flights.)

Public Relations

Again and again, respondents referred to the need for increased information to members of the public on their rights and obligations under the Immigration Act and Regulations. The Study Group heard examples, too numerous to mention, of how past problems and complaints could have been avoided had complete and accurate information been communicated to the right person at the right time. In this section of the report we have attempted to distill the countless recommendations received in the area of public relations and have presented our suggestions which we hope will be reviewed in depth by the Commission in process of developing a comprehensive public relations program for Canada Immigration.

1. Media Advertising

The Study Group suggests that the Commission increase its use of the general and ethnic media to ensure that the Canadian public at large and immigrant communities in particular are aware of immigration policies and programs and their rationales (S 36).

We also suggest that the Commission employ media advertising to provide information to the Canadian public which would assist in dispelling destructive myths about immigrants and refugees (S 37).

2. Public Information Pamphlets

The Study Group suggests that the Commission consider the development of a series of information pamphlets (similar to Canada Customs' "I Declare") on a variety of immigration subjects, to be published in a number of languages and distributed to appropriate locations (S 39). (E.g. Canadian travel agents could be asked to distribute, with every ticket issued to a foreign destination, a Canada Immigration pamphlet, advising Canadian citizens and residents of the documentation requirements for returning to Canada; Canada Immigration pamphlets regarding the length of stay for visitors to Canada, the possibility of referral to secondary examination, the prohibitions regarding studying and working in Canada, etc. could be made available at Canadian ports of entry and at visa offices, airline ticket offices and travel agencies abroad.)

3. Signage

The Study Group suggest that that the Commission explore the increased use of signage, in a variety of languages, in C.I.C.'s to advise members of the public of their rights and obligations under the Immigration Act and Regulations, to inform them of why they have been referred to secondary

examination and what is expected of them there, etc. (S 39).

4. Community Liaison

The Study Group feels that the Commission and the community which it serves would both profit from increased exchange of ideas and volunteer involvement. To borrow a chapter from the health field, hospitals perform a myriad of services, some positive, some unpleasant, but, through them all, a finer quality of service is attained whenever an institution has a viable, well-organized volunteer service program in place. To this end, we are eager for service and community groups to be invited and encouraged to play a part in the immigration process.

In the course of our study, we became aware of a recent pilot project successfully conducted in the Mississauga District in which C.E.I.C. staff went out into the community to give lectures and engage in seminars on immigration matters. In the belief that increased interaction between employees, schools, churches, service and fraternal organizations, on one hand, and the Commission, on the other, will lead to increased mutual responsiveness, the Study Group suggests that the Commission

consider developing a comprehensive community liaison program as it relates to immigration activities (S 40).

Also in the course of our Study, we became aware of two other projects: a C.E.I.C.-sponsored Parkdale Legal Services project of a few years ago and a United Kingdom Immigrant Assistance Services project.

In the former, Parkdale Legal Services representatives visited T.I.A. from time to time to observe the immigration operation. In the latter, U.K. Immigrant Assistance Services representatives were introduced at British airports to assist members of the travelling public. From these projects and from the recommendations of respondents, we have developed the "client assistance representative" concept suggested below.

The Study Group suggests that:

- an on-site client assistance representative concept be introduced, on a one-year pilot basis, in all three immigration modules at T.I.A. (S 41);
- the Toronto area community associations be approached by the C.E.I.C. to provide these representatives on a full-time basis if

possible or, if not, on a part-time basis during peak traffic periods (S 42);

- the responsibilities of these representatives include:

- a) the provision of general information to members of the travelling public and their reception;
- b) the referral of members of the public to government and service organizations;
- c) assistance to members of the public who are awaiting secondary examination and who require food, drink, money exchange, etc. ;
- d) assistance to members of the public who are awaiting secondary examination and who have special needs, e.g. the elderly and infirm, parents accompanied by small children, unaccompanied children, etc. ; and
- e) referral of members of the public with complaints to the appropriate C.E.I.C. officer (S 43);

- the names of these representatives, along with a short description of their role, be prominently posted in a number of languages (S 44);
- the representatives wear identification badges (S 45);
- following the termination of the one-year pilot project, a thorough review of the effectiveness of the client assistance representative concept be conducted (S 46); and
- if the concept proves successful, it be implemented on a permanent basis at those ports of entry at which it is warranted (S 47).

EPILOGUE

Novel and distinctive features may, in part, tend to colour our social preferences but, to a greater degree, bias is reached by way of a divergent cultural position, often resulting in a xenophobic view of one's duty.

It will not do to hire numbers, quotas or predominant classes. It will not suffice to promote or demote with anything more than a fleeting reflective thought about the complexions of ones ancestors.

In the main, immigration officers are bright, articulate, gregarious and fun-loving. They have been blessed with the opportunity to obtain a much higher level of education than the average citizen. As so often is the case, their education is superior to what was available had their antecedents not migrated to Canada. Certainly, in their interface with the "travelling public", our officers are "superior" in many respects.

Where did they fail? Where did we, the people, fail? It is now apparent that training for their duties must include a broader approach. Socio-economic skill-honing and pre-screening must be introduced to winnow out the extreme pathology present in any recruitment group. An affirmative effort ought to be made to introduce carefully and mix, in an innovative manner, those whose

age, cultural richness and marketplace awareness could add to rounding out the peer group.

If there is one common strand that weaves through the minds of the many, who have taken the time from their heavy work-loads in the public sector to share thoughts and hopes with us, it is that there is no real mechanism i.e. nothing apparent, unique or readily identifiable other than the time-honoured and enshrined right to write. Many persons still believe that the court of final and fairest judgement is the Parliament of Canada and that the expressing of our concerns through our elected Members or concerned Senators is extremely rewarding. It is likely for this reason that franking privileges for our parliamentary mail still exists.

Government has become more responsible to the public because, in part, the public has become responsive to everything around them. The phenomenon of instant mass communication adds to a response capability and information retrieval capacity that did not exist and was not envisaged while our particular brand of democracy was evolving.

For some time, public service employees, euphemistically called civil servants, have done their appointed rounds quietly and stoically. They were neither chided nor praised. The public saw transgressions to be generally sins of omission rather

than commission. Just as the strident posture of labour, affinity and self-interest groups has increased, so has the need to complain, in other words, to seek redress for ruffled feathers or bruised egos. Loyalty to purpose and colleague is de rigueur in the military and this type of camaraderie is best seen as team-player identity. The ripple effect of communication is such that special interest groups now gather far greater populist interest than they did a generation back.

Some years ago, during a prolonged Musicians' Union freeze on recording company and transcription rights, which virtually brought the industry to a stand still, the President, Mr. Petrillo was heard to comment "Unions are killing this country". Of course his plight was that the Machinist and Elevator Maintenance local had cut service during their negotiations thus forcing one of America's most influential and respected labour leaders to climb many flights of stairs to conduct his union business.

Why have we said all of this? Simply to say that we are all part of the public, all part of Canada, all responsible to create that favourable image we want to continue to enjoy throughout the world. Our "thin red line" serves us well at the ports of entry and, if we hear one another, we can assist and show how an even better result may be reached.

Understandably, there is and will be a greater tendency to voice complaints about the quality of service received and the manner in which that service was tendered. Marshall McLuhan's the "medium is the message" theory applies to the complaint process. There is as much comment from those who have to get down to it daily as there is from those who, from time to time, have to face it.

To ameliorate the problems is not easy. But we reflect upon the feeling of a couple, the Andersons who, in addition to raising a fine family, found time to operate a very professional cosmopolitan drug store. Pharmacy is unique within the healing arts, since the proprietors' success rests as much upon their professional skills as on their marketing ability. Mrs. Anderson believed with a credo-like passion that the two feet between the professional and the customer could be either a welcome mat or a bear pit, for it was there that the presentation, the sale, the assurance, the confidence, was delivered.

There is an apparent general feeling that the delivery system is wanting because the administrator, technician, professional, or civil servant is at fault, surely is offensive, aggressive, incompetent. At first glance, this may seem so to some, but a careful studied analysis belies this approach. In fact, we are the product of the sum total of our experiences and environment.

If there are incidents of racial intolerance, sexual harassment, class consciousness, it is likely because similar attitudes are alive and well in our community. We never envisaged that the bête noire was within, within us all.

It is imperative that adequate ongoing counselling be made available to those pledged to minister to Canada. A task carried off with élan and flair, but with a sinister ulterior motive, is no more commendable than a well intentioned but poorly conducted assignment. Those in authority must accept that "they who minister must also learn to serve". Those who are sworn to uphold Canada's statutes must do so with understanding and discretion at all times.

This is not a criticism but rather an admonition. To be better than anyone else is good, but it is best when we convey that we are no better than the persons before us. Just as some doctors are afraid of inoculations and many policemen dread receiving tickets for traffic offences, they know that what must be done will be done. We must all perform without malice or condescending air.

The most comprehensive complaints system will not solve our problem if it does not address itself to the real concerns of the travelling public. Creature comfort, human dignity and natural justice for all who come our way says as much for Canada's quality of life, as does whom we declare to be persona non grata or bona fide.

APPENDIX "A"

June 29, 1979

STATEMENT TO IMMIGRATION STAFF
BY THE HONOURABLE RON ATKEY
MINISTER OF EMPLOYMENT AND IMMIGRATION

Through representations by the President of the Canadian Employment and Immigration Union and reports from the media and senior officials of the Canada Employment and Immigration Commission, I have become aware of the concern among Immigration staff at comments I made on the Television Program "Question Period" during an interview shown on CTV on Sunday, June 17, 1979. I should like to emphasize that my remarks were not intended as a blanket condemnation of all immigration officers, as an examination of the attached text will reveal. Nowhere did I use the terms "racist" or "inhumane", as has been publicly alleged by certain personnel, and I regret any unreasonable expansion of my remarks by the media.

As both a practicing lawyer and a political candidate in Toronto, I have been repeatedly told by members of the community that relatives and friends have had difficulty entering the country.

Often the details of specific cases are sketchy, but real frustration is nonetheless apparent because there appears to have been no one available to complain to, at least no one readily on hand and in an independent role. I have discussed this matter with senior officials of the Commission and they confirm the difficulty in satisfactorily resolving such complaints.

As Minister, I cannot simply reject these allegations as being unfounded or tolerate the apparent inadequacies of complaint mechanisms. I am deeply concerned for two reasons: firstly, our image as a country friendly to international travellers is threatened; secondly, I am very concerned that the great majority of our staff have unfairly borne the brunt of these allegations when I and others are convinced that, if they are true, those responsible represent a very small minority of our staff. Indeed I have no hesitation in saying that employees of Immigration Canada generally are hard-working, loyal and humane and have shown no hesitation in performing above and beyond the call of duty when special circumstances require.

After consultation with your Union, I have decided to set up a study group to review mechanisms by which members of the travelling public can register complaints of alleged discourtesies, bias or harassment. The mechanisms at Toronto International Airport would be

examined by the study group since it is our largest port of entry and thus has the largest immigration traffic. If necessary, other ports of entry may also be examined. I would expect the study group, should their research indicate that problems exist, to recommend alternate mechanisms so that the travelling public can be served to the best of our ability.

The Study Group will be made up of:

An officer of the Canada Employment and Immigration Union,
designated by the President of the Union;

Ms Janet Zukowsky, Director, Staff Relations and Director
Designate, Settlement Branch, Immigration and Demographic
Policy Group, Canada Employment and Immigration Commission;
and

His Worship C. Arthur Downes, Justice of the Peace, Toronto.

In their review of the mechanisms at Toronto International Airport, the group will consult with staff and local union officials, person making complaints, community representatives and consular representatives. I have asked them to report to me by September 1, 1979.

I should like to emphasize that my concerns should not be viewed as suggesting any lessening of legitimate enforcement action taken under the provisions of the Immigration Act. However, in applying enforcement provisions, I expect all staff to treat individuals with courtesy and consideration. In passing the new Immigration Act, Parliament clearly stated that its provisions must be applied in a completely non-discriminatory manner. I expect all employees to respect the will of Parliament in carrying out their responsibilities.

